

RESULTS
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD MEETING

WEDNESDAY, September 16, 2009

PLACE OF MEETING: City Hall
City Commission Chambers
100 North Andrews Avenue
Fort Lauderdale, FL 33301

TIME OF MEETING: 6:30 P.M.

Pledge of Allegiance

Approval of the August 19, 2009 Minutes

1. Rahn Bahia Mar, Ltd. / Bahia Mar Park Ella Parker 3ZPUD08

Request: ** * Rezone from SBMHA to PUD with Site Plan Review

Legal Description: All that part of Bahia Mar according to the plat thereof recorded in P.B. 35, P. 39 of the Public Records of Broward County, Florida, lying west right-of-way line of Seabreeze Boulevard, excepting therefrom Parcel 1; also excepting therefrom the north 80 feet of parcel 34.

Address: 801 Seabreeze Boulevard

General Location West of Seabreeze Boulevard, east of the Intracoastal Waterway, south of Hall of Fame Drive and north of Harbor Drive

District: 2

APPROVED 4-2 WITH THE FOLLOWING CONDITIONS:

Staff Conditions:

1. The site plan for the proposed development is subject to all applicable requirements of the property lease agreement between the applicant /lessee and the City of Fort Lauderdale. Approval shall be contingent upon and subject to the agreement and shall specify the development standards applicable to the property and any conditions imposed as a part of the approval and shall reference the approved site plan.

The City is in the process of obtaining input and analysis from an economic consultant regarding appropriate development scenarios for the subject property. As indicated in applicant's letter dated June 26, 2008, the review and processing of the subject application in no way constitutes approval or vests the property for any future development rights or entitlements. Applicant is proceeding with application at his/her own risk and expense. Processing of the application to the City Commission cannot take place prior to completion of this analysis.

2. Public access areas to the property, as identified on Site Plan Sheet SI-0.24, shall be open to the general public from 6 a.m. Eastern Standard Time to 2 a.m. Eastern Standard Time, or as modified and approved by

the City Commission. Limitations on access or restrictions on use by the public may be subject to permit i.e. special events such as the Fort Lauderdale International Boat Show, Winterfest Boat Parade, other events as approved by the City Commission. Lessee shall provide the public 24-hour access to The Beachwalk as delineated on the Site Plan.

3. No amplification devices such as loudspeakers, microphones, etc. shall be permitted outdoors except as modified and approved by the City Commission.
4. Existing A-1-A pedestrian bridge access shall remain open to the public, with hours of operation as approved by the City Commission.
5. All hotel units within the development as shown on the site plan are restricted to a hotel use, as defined in the City's Unified Land Development Regulations.
6. Conditions Per the City's Engineering Representative:
 - A. Any proposed improvements proposed within the Florida Department of Transportation (FDOT) right-of-way easement along the east property line are subject to issuance of an FDOT permit and execution of an agreement that would allow the City and/or FDOT to remove said improvements for any public purpose in the future.
 - B. Applicant shall execute a maintenance agreement at time of construction permitting for all improvements in public easement and sidewalk for hardscape, landscape, trees, and irrigation.
 - C. Applicant shall provide on-site guide signs directing vehicles to northbound/southbound State Road A-1-A.
 - D. Applicant shall provide a conceptual construction staging and traffic routing plan to supplement the existing phasing plan, prior to final DRC approval and a detailed construction plan prior to approval of building permit.
7. Applicant shall enter into a valet parking agreement as required by ULDR Sec. 47-20 and as approved by the City Attorney prior to final DRC sign-off.
8. Proposed trolley pullouts and stops, water taxi stop, and required bus stop improvements shall be reviewed and approved by City staff and all pertinent review agencies.
9. Per the School Consistency Review Report, prepared by the School Board of Broward County and dated April 30, 2009, if approved the residential units are subject to public school concurrency review. As applicable, applicant shall provide a student mitigation satisfaction letter from the Broward County School Board prior to Final DRC.

10. In the event that unanticipated archeological features or artifacts are discovered as part of development disturbances, the Broward County Historical Commission shall be notified within twenty-four (24) hours of discovery as requested by the Broward County Archeologist, Matthew De Felice in a letter to the applicant dated January 13, 2009.
11. Each phase of construction shall stand on its own and meet all ULDR requirements. Construction phasing as identified on site plan sheet SI-0.19 including when each phase will be constructed and open for public use, as well as portions of the property to be utilized for hosting of the Fort Lauderdale Boat Show as identified on site plan sheets SI-0.20 and SI-0.21 including exhibition space design criteria, shall be pursuant to the lease agreement and as approved by the City Commission.
12. Lessee shall provide maintenance of the property pursuant to the terms of the Lease Agreement and subsequent amendments, between the Lessee and the City of Fort Lauderdale.
13. Construction debris mitigation measures as outlined in **Exhibit 8** are to be included in a Construction Debris Mitigation Plan and submitted to the City's Building Official prior to issuance of a building permit for the subject development. Additional measures may be required to ensure compliance with the City's Code, as deemed necessary by the Building Official.
14. Lessee will be required to pay a Park Impact Fee for the proposed 180 multifamily residential units and 299 hotel rooms in the amount of \$836,650.00.
15. In addition to the above listed staff conditions, applicant is proposing a supplementary list of conditions, included as part of **Exhibit 1**. The specified conditions shall be applied only as approved or amended by the City Commission.
16. All future retail uses shall be limited to those currently permitted under Boulevard Business District as defined in the ULDR.
17. As per the Marine Advisory Board's recommendation, the public docks are to remain open to the public and not sold.

Board's Conditions:

18. The hotel phase of this project (Phase III) shall be completed prior to the construction of the residential towers (Phase IV).
19. That an agreement be reached between the City of Fort Lauderdale and the Applicant as to financial assurances for the completion of each Phase of the project.

20. That the City of Fort Lauderdale and the Applicant reach an agreement as to a construction schedule, with appropriate penalties, if construction deadlines are not met.

RECOMMENDED TO CITY COMMISSION.

2. City of Fort Lauderdale/Flagler Heights Park Thomas Lodge 4P09

Request: Vacation of Alley

Legal Description: That portion of the 15 foot alley in Block 3, "AMENDED PLAT OF BLOCKS 1,2,3,4,5,6,7,8,25,26,27,28,29,30,31 and 32, of NORTH LAUDERDALE", according to the plat thereof, recorded in P.B. 1, P. 182, of the Public Records of Miami-Dade County, Florida. Lying north of the south line of Lot 4 of said Block 3; all less the north 20.00 feet thereof

Address: 310 NE 6 Street

General Location: Located on the Southeast corner of NE 6 Street and NE 3 Avenue

District: 2

DEFERRED TO THE OCTOBER 21, 2009 MEETING.

3. City of Fort Lauderdale/Flagler Heights Park Yvonne Redding 10Z09

Request: ** * Rezone from RAC-CC to Park

Legal Description: All of Lot 1,2,3,4 and Lot 5 less the south 10 feet thereof. And Lot 23,24,25 and 26 less the west 10 feet thereof, Block 3, Along with the vacated alley as provided in 4-P-09, Amended plat of North Lauderdale, according to the plat thereof as recorded in P.B. 1, P. 182, of the Public Records of Dade County, Florida

Address: 310 NE 6 Street

General Location: Located on the Southeast corner of NE 6 Street and NE 3 Avenue

District: 2

DEFERRED TO THE OCTOBER 21, 2009 MEETING.

4. Cargo Furniture Anthony Fajardo 129R07

Request: ** Site Plan Level III / Waterway Use / Parking Reduction Request

Legal Description: Lot 8 and 9 together with that portion of the 16.00 foot alley lying adjacent to Lots 8 & 9, all being in CROSSROADS SHOPPING CENTER, according to the plat thereof as recorded in Plat Book 32, Page 22, of the public records of Broward County, Florida.

Address: 2301 NE 26 Street

General Location: Northwest corner of Federal Highway and NE 26 Street

District: 1

**APPROVED AS PRESENTED 6-0.
SUBJECT TO 30-DAY CITY COMMISSION REQUEST FOR REVIEW.**

IMPORTANT: In order to comply with Sec. 47-26.A.2, *City Commission Request for Review*, the motion to set a hearing to review the application shall be considered within 30 days of the decision by the lower body. If no City Commission meeting is to be held within the time frames provided, the motion shall be considered at the next regularly scheduled City Commission meeting, which could take place on the following date: October 6, 2009. Please provide a statement of intent via e-mail, to Jonda K. Joseph, City Clerk, and copy Greg Brewton, Planning and Zoning Department Director if you would like to review the application.

5. City of Fort Lauderdale

Thomas Lodge

2T09

**Request: * Unified Land Development Regulations Text Amendment:
 Correct Section reference .**

47-24.1.Table 1

47-24. Development Permits and Procedures. >> 1. Generally. >> Table 1.
Development Permits and Procedures

General Location Citywide

District: All

DEFERRED TO THE OCTOBER 21, 2009 MEETING.

6. Communication to the City Commission

7. For the Good of the City

- a.) Planning and Zoning Board Special Meeting to be scheduled for the Neighborhood Development Criteria Revisions initiative.

Special Notes:

Local Planning Agency (LPA) Items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial Items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

BAHIA MAR PARK PUD CONDITIONS

The following conditions are incorporated into the PUD approval for Bahia Mar Park and supplement the documentation provided in the approved site plan subject to DRC Case No. 3-ZPUD-08 (the "Site Plan").

1. FORT LAUDERDALE INTERNATIONAL BOAT SHOW

The Fort Lauderdale International Boat Show (the "Boat Show") shall be provided with a permanent home to use a portion of the Property to host the Boat Show every year during the Current Lease (2009-2062) and every year during the New Lease (2063-2108), for a total of 99 years, pursuant to the terms of Article 38 of the Current Lease and the terms of Article 38 of the New Lease. The portions of the Property to be used for the Boat Show will change from time to time during the redevelopment of the Property. During the construction of each phase of the Property pursuant to the Site Plan, Lessee shall make available those portions of the Property shown on Sheet SI 0.20 hereto (the "Boat Show Use Parcels"). Lessee shall provide the Boat Show Use Parcels to the operator of the Boat Show from time to time as the case may be each year based on the construction status of the Property, free of any construction equipment, construction trailers, or other construction related items or activities of any nature whatsoever that will interference with the full use of the Boat Show Use Parcels for the Boat Show. Further, the final construction plans for the western parking garage, which are part of the PUD approval and which is to be used to host a portion of the Boat Show each year, shall include specific design criteria so that Level 100 of said parking garage can be used as exhibition space during each Boat Show as set forth in Exhibit A hereto (the "Boat Show Exhibition Space Design Criteria"). The Boat Show Exhibition Space Design Criteria shall be incorporated into the construction of said parking garage and Lessee shall be required to incorporate same into the final construction of said parking garage for the benefit of the Boat Show, realizing that the construction of improved facilities for the Boat Show is part of the "public purpose" justification for the approval of the PUD and related site plan.

2. LIMITED PUBLIC ACCESS ("LPA")

That portion of the Property, shown on Site Plan Sheet SI 0.24 shall be open to the general public to the Property from 6a.m. Eastern Standard Time to 2a.m Eastern Standard Time. The restrictions on use are as approved by the City Commission but will include special events (e.g. the Fort Lauderdale International Boat Show, Winterfest Boat Parade, events requiring a Special Event Permit and other private events). Subject to the above stated limitations on access, such access during these hours to the Property includes access to only the following: 1) the marina promenade (excluding the Bahia Mar Marina Docks); 2) the Park; 3) beach overstreet connection; and 4) mainstreet promenade and central plaza. A diagram of the area accessible to the general public is attached as Exhibit B. Lessee shall provide the public 24 hour access to The Beachwalk as delineated on the Site Plan.

EXHIBIT 1 - TAB 3

Supplementary list of conditions
proposed by the applicant

3. PHASING OF CONSTRUCTION:

Phasing of the construction for Bahia Mar Park will be in accordance with the general progression below and as specifically set forth on Sheet L 1.07 of the Site Plan and as attached as composite Exhibit C ; provided, however, Lessee may develop any phase prior to another phase. During such phasing of construction, Lessee shall invite the general public to the portions of the Property improved and constructed as also set forth in composite Exhibit C and generally described below:

- a. Phase I: Beach Walk at Bahia Mar including the construction of those portions of The Beachwalk and Marina Promenade adjacent to the Phase I buildings
- b. Phase II: Bahia Mar Retail Garage including an construction of The Beachwalk in front of the Phase II building and connection of The Beachwalk to the Marina Promenade at the newly constructed entrance in between Phase I and Phase II
- c. Phase III: Luxury Hotel/Interior Roads including completion of the Beachwalk along Seabreeze Boulevard and construction of an interim 10' Marina Promenade around the perimeter of the Property
- d. Phase IVA-C: Park/Residential Buildings including completion of improvements

4. NOISE CONTROL

Bahia Mar Park shall comply with the City's Noise Ordinance contained in Chapter 17 of the City's Code. The Bistro located at the northwest corner of the upland portion of the Property shall not use any means of outdoor sound amplification. Any Special Event held on the Property, where by Special Event Permit or otherwise, shall have the music, if any, directed away from the Intracoastal Waterway. To minimize noise emanating from mechanical fans ventilating the Bahia Mar Park garage, Lessee shall:

- 1. Locate Park garage fans in vertical areaways versus permitting the fans to discharge through horizontal areas;
- 2. Utilize in line centrifugal fans (instead of propeller fans) for ventilation of the Park garage; and
- 3. Install sound traps on the discharge side of the in line centrifugal fans, in order to reduce the level of sound at the point of discharge.

5. MAINTENANCE

Maintenance of the Property will be by Lessee pursuant to the terms of the Current Lease set forth in Article 16 thereof as will be incorporated into the Amended Lease.

6. MARINA PROMENADE

The Marina Promenade will be restricted to emergency vehicles on the western portion of the Property except during set up for special events, including the Boat Show.

7. USES IN THE PARK

The portion of the Site Plan shown on Sheet L-2.05 is labeled "Park". Notwithstanding the use of the Park to host the Boat Show and to be used as a viewing area for the Winterfest Boat Parade, the Park may be used for Special Events (defined as events with more than 350 attendees, excluding weddings which shall have no limit on the number of guests) no more than 12 times per calendar year without the need for a Special Event Permit. Any such Special Event proposed beyond the 12 times set forth herein, will be required to apply for and obtain a Special Event Permit from the City of Fort Lauderdale City Commission before such additional Special Event can occur on the Property. At all such Special Events, all music, if any, shall be directed away from the Intracoastal Waterway.

8. TROLLEY STOP LOCATIONS

Lessee shall design and construct future trolley pull outs and stops at certain locations on the Property, specifically in the access drive between the hotels and the residential buildings and also the southern charter fishing area. These stops are identified on Sheets L 2.03 and L 2.05 of the Site Plan.

9. LIGHTING

Lighting for the Property shall be limited to the lighting set forth on the Site Plan. At the time of any special events, any additional temporary lighting shall be directed away from the Intracoastal Waterway.

10. CONSTRUCTION MANAGEMENT

Construction shall be in accordance with the approved construction phasing plan contained in the Site Plan and referenced in Section 3 above and shall comply with all standards set forth under all applicable City Ordinances. In addition, the prime construction contract with the general contractor ("Contractor") shall include the following provisions:

- 1) During the construction period, the Contractor shall provide appropriate traffic controls for all public roadways from commencement of construction affected by Contractor's operations and shall obtain all required approvals and shall implement all mandated safety measures for any necessary rerouting of traffic on public roadways until such time as all construction activities impacting traffic flow have ceased.
- 2) The Contractor shall cause the working deck perimeters to be netted to avoid any concrete spillage.
- 3) The Contractor shall water the debris during the demolition stage continuously to avoid the dust.
- 4) Working hours are limited to 7:00 am to 6:00 pm daily Monday through Saturday, as may be further limited by applicable laws, ordinances and regulations, excluding interior work which shall have no restrictions.
- 5) The Contractor shall select a crane model so as to minimize noise from the crane.
- 6) The Contractor shall select all dewatering equipment so as to minimize noise.

- 7) The Contractor shall select install, maintain and satisfy all storm water and runoff compliance requirements during construction and drain only into approved drainage facilities.

11. BAHIA MAR MARINA

The Bahia Mar marina shall be operated pursuant to the terms of the Current Lease and the New Lease.